

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12th day of March 2015, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER
* JOHN BRUSO, MEMBER
JILL MONACELLI, MEMBER
JAMES PERRY, MEMBER
LAWRENCE PIGNATARO, MEMBER
** ARLIE SCHWAN, MEMBER
RICHARD QUINN, CHAIRMAN

* Mr. Bruso arrived at 7:16 p.m.

** Mr. Schwan arrived at 7:36 p.m.

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
KEVIN LOFTUS, DEPUTY TOWN ATTORNEY
SCOTT PEASE, ASST. CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF: CARMINA WOOD MORRIS, DPC

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Carmina Wood Morris, DPC, 487 Main Street, Suite 600, Buffalo, New York 14203 filed on behalf of Salvatore’s Italian Gardens for two [2] variances for the purpose of constructing a hotel to be connected to an existing restaurant on premises owned by Salvatore’s Italian Gardens at 6461 Transit Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 28E.(1)(a)[3][f] [i] of the Code of the Town of Lancaster. The petitioner proposes to construct a hotel connected to an existing restaurant; this construction will cause a reduction in the number of parking spaces bringing the total number of spaces to 487.

Chapter 50, Zoning, Section 28E.(1)(a)[3][f] [i] of the Code of the Town of Lancaster requires the number of parking spaces of a hotel/restaurant facility to be 577 spaces. The petitioner, therefore, requests a 90 parking space variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster. The height of the proposed hotel is sixty [60] feet.

Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster limits the building height to thirty-five [35] feet. The petitioner, therefore, requests a twenty-five [25] foot height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Steve Carmina, Petitioner	Proponent
Joseph Salvatore	Proponent
Debra Westberg	Opponent
Beverly Panten	Opponent

IN THE MATTER OF THE PETITION OF CARMINA WOOD MORRIS, DPC

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PIGNATARO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Carmina Wood Morris, DPC filed on behalf of Salvatore's Italian Gardens and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of March 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the property owner.

WHEREAS, the property for which the applicant is petitioning is within a General Business District, (GB) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Town of Cheektowaga has been informed of the time and place of this hearing and has not commented.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, however not sufficient enough to preclude the granting of the variances.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

MR. BEUTLER	VOTED	YES
* MR BRUSO	ABSTAINED	
MS. MONACELLI	VOTED	NO
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	WAS ABSENT	
MR. QUINN	VOTED	YES

* Mr. Bruso abstained because he was not present for entire testimony.

The resolution granting the variances was thereupon **ADOPTED**.

March 12, 2015

PETITION OF: DEREK MALKE & JENNIFER OSTROWSKI

THE 2ND CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Derek Malke and Jennifer Ostrowski, 63 Anthony Drive, Depew, New York 14043 for two [2] variances for the purpose of constructing of a single family dwelling on premises owned by the petitioners at 00 Brunck Road, Lancaster New York, namely, the southwest corner of Brunck Road and Bowen Road, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10C.(2)(b) of the Code of the Town of Lancaster. The width of the proposed building lot is seventy-seven [77] feet.

Chapter 50, Zoning, Section 10C.(2)(b) of the Code of the Town of Lancaster requires an eighty-five [85] foot lot width at the street line. The petitioners, therefore, request an eight [8] foot lot width variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 32 of the Code of the Town of Lancaster. The proposed set back is sixty-nine [69] feet from the center line of Bowen Road.

Chapter 50, Zoning, Section 32 of the Code of the Town of Lancaster requires a 90 foot front yard set back from the center line of Bowen Road. The petitioners, therefore, request a twenty-one [21] foot front yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Derek Malke, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF DERKE MALKE & JENNIFER OSTROWSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR.PIGNATARO, WHO MOVED ITS
ADOPTION, SECONDED BY MR.PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Derek Malke & Jennifer Ostrowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of March 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variances was thereupon **ADOPTED**.

March 12, 2015

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting
was adjourned at 7:50 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: March 12, 2015